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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING RE FIRST  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED ENTIRELY UPON  
INVESTMENT IN OCEAN  
ATLANTIC \$9,425,000 LOAN**

Date of Hearing: May 9, 2011

Time of Hearing: 2:00 p.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
OCEAN ATLANTIC \$9,425,000 LOAN. THE USACM TRUST CONTENDS THAT**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 **YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN**  
2 **THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN**  
3 **MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE**  
4 **REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT**  
5 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**  
6 **DIFFERENT LOAN.**

7 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
8 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
9 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
10 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
11 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
12 **HINDERAKER (520-629-4430).**

13 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
14 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Entirely  
15 Upon Investment in the Ocean Atlantic \$9,425,000 Loan (with Certificate of Service) (the  
16 “Objection”). Your Proof of Claim number and other information regarding your claim is  
17 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has  
18 requested that this Court enter an order, pursuant to section 502 of title 11 of the United  
19 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy  
20 Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is  
21 based upon an investment in the Ocean Atlantic \$9,425,000 Loan. The Objection will not  
22 impact your Claim to the extent it is based upon an investment in a different loan.

23 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
24 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
25 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
26 **May 9, 2011, at the hour of 2:00 p.m.**

1 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MAY 9,  
2 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND  
3 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE  
4 HEARD ON THAT DATE.

5 NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any  
6 response to the objection must be filed and service must be completed no later than  
7 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
8 facts and any relevant legal authority.

9 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
10 pleading with the Court. You *must* also serve your written response on the person who  
11 sent you this notice.

12 If you do not file a written response with the Court, or if you do not serve your  
13 written response on the person who sent you this notice, then:

- 14 • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
15 • The Court may *rule against you* and sustain the objection without formally  
16 calling the matter at the hearing.

17 Dated: March 31, 2011.

18 LEWIS AND ROCA LLP

19 By s/John Hinderaker (AZ 18024)  
Robert M. Charles, Jr., NV 6593  
John Hinderaker, AZ 18024 (*pro hac vice*)  
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*Attorneys for the USACM Liquidating Trust*

22 Copy of the foregoing mailed by first  
23 class postage prepaid U.S. Mail on  
24 March 31, 2011 to all parties listed on  
25 Exhibit A attached to the objection.

26 LEWIS AND ROCA LLP

s/ Marie H. Mancino  
MARIE H. MANCINO